

## REMARKS

Claims 1, 2, 4-7, and 9-32 are pending. Claims 5,17-20, 24-26, 31, and 32 have been indicated to be allowable, claims 1, 5, 7, 13, 22, and 30 have been amended, and claims 3 and 8 have been canceled.

Reconsideration of the application is respectfully requested for the following reasons.

### **I. Objections and Rejections Not Based on Art.**

In the Office Action, the Examiner rejected claims 1-6, 13, 22, and 30 under 35 USC § 112, second paragraph, on grounds that the phrase “directly connected” is vague and indefinite. Applicants respectfully submit that this phrase has clear and definite meaning when read in light of the specification. Nevertheless, the word “directly” has been deleted from the aforementioned claims in order to overcome the § 112 rejection.

Claim 3 was found to be objectionable for containing acronyms. These acronyms have now been spelled out in claim 3.

The drawings were objected to for failing to show the radio link connecting means recited in the claims. Applicants respectfully traverse this rejection. In accordance with at least one embodiment of the present invention, the radio link connecting means includes the Radio Link Protocol (RLP) shown, for example, in Figs. 2, 4, 5, 7, and 9. Because this means is shown in the drawings and described in the specification, withdrawal of the drawing objection is respectfully requested.

## II. Art-Based Rejections.

The Examiner rejected claim 27 under 35 USC § 102(e) for being anticipated by the Le patent. This rejection is respectfully traversed for the following reasons.

Claim 27 recites broadly embodiments of the invention disclosed in the specification. In particular, claim 27 recites performing multimedia communication between the originating mobile station and the receiving mobile station “without an interworking function (IWF) or a packet data serving node (PDSN).” The Le patent does not disclose these features.

The Le patent discloses a system for transmitting multimedia information two stations. As shown in Figures 2-5, this information is transmitted through an IP backbone (78 or 178) located between transmitting and receiving stations. In Figure 7, the IP backbone is more specifically described as an IP network. As those skilled in the art can appreciate and as Applicants’ specification acknowledges (see, e.g., Paragraph [6]), IP backbone/network 78 includes or corresponds to one type of packet data serving node. Thus, the Le patent not only does not disclose the step of performing multimedia communications between originating and receiving mobile stations “without an interworking function (IWF) or a packet data serving node (PDSN),” it directly teaches away from the claimed invention by disclosing a system that intentionally transmits multimedia information through an PDSN, e.g., IP network 78. (See, e.g., column 6, lines 15-41). It is respectfully submitted that the Examiner has failed to appreciate these differences.

Because the Le patent does not disclose all the features of claim 27, it is respectfully submitted that the Le patent cannot anticipate this claim. Applicants further submit that these differences are also sufficient to render claim 27 and its dependent claims non-obvious and thus

patentable over Le, since by transmitting multimedia data through a PDSN the Le system is like the related art system disclosed in Applicants' specification and therefore includes all of its associated drawbacks. See, for example, Paragraphs [15] - [17] which discuss the drawbacks (difficult to set up a bidirectional call, system load problems, delays, etc.) of transmitting multimedia data through a PDSN such as an IP network.

The Examiner rejected claims 1, 3, 4, 6, 21-23, 29, and 30 under 35 USC § 103(a) for being obvious over Le. This rejection is respectfully traversed for the following reasons.

Claim 1 recites two features of interest.

First, claim 1 recites a radio link connecting means used to connect the first and second mobile stations "while bypassing a radio link protocol after each of the first and second mobile stations establishes a traffic channel with the base station according to the multimedia call service option." The Le patent does not teach or suggest these features.

The Le patent discloses transmitting multimedia information between two stations. However, unlike claim 1, network infrastructure 34 converts the multimedia information received from the transmitting terminal into a radio-link format and then intentionally transmits that converted information using a radio link protocol. (See column 5, lines 61-65, and column 6, lines 16-30 as well as other portions of the specification). Thus, the Le patent discloses a very different radio link connecting circuit from the one cited in claim 1, and in fact teaches one that performs a function that is expressly excluded by the claim language.

Second, claim 1 recites means for transmitting/receiving multimedia data "using a higher application protocol than the radio link protocol . . ." (See, e.g., the bypassing step S607 in Fig. 6.) The Le patent also does not teach or suggest these features. As discussed above, the Le

system intentionally converts multimedia information into a radio-link format and then transmits this information using a radio link protocol. It does not teach or suggest transmitting or receiving multimedia information using a “higher application protocol than the radio link protocol” as recited in claim 1.

As a further distinction, claim 1 recites that the multimedia data is communicated between the first and second stations according to the multimedia call service option “without passing through an Inter-Working Function (IWF) or a Packet Data Serving Node (PDSN).” As noted above, the Le patent does not teach or suggest these features.

Based on at least the foregoing differences, it is respectfully submitted that claim 1 and its dependent claims are allowable over the Le patent.

Claim 21 recites “wherein the first mobile station performs multimedia communications with the second mobile station over the set-up multimedia call without an interworking function (IWF) or a packet data serving node (PDSN).” As previously discussed, the Le patent does not teach or suggest these features. It is therefore submitted that claim 21 and its dependent claims are allowable.

Claim 23 recites that the multimedia call set-up is performed “using an application protocol higher than a radio link protocol.” As previously noted, the Le patent does not teach or suggest these features.

The Examiner rejected claims 2, 7-9, and 12-15 under 35 USC § 103(a) for being obvious over a Le-Altom combination. This rejection is respectfully traversed for the following reasons.

The Altom patent was cited for its disclosure of a mobile station which initiates a multimedia call based on user commands. This patent, however, does not teach or suggest the features of claim 1 missing from the Le patent. Accordingly, it is submitted that claim 2 is allowable over the asserted combination at least by virtue of its dependency from claim 1.

Claim 7 recites “transmitting and receiving video data between the originating and receiving mobile stations without using an interworking function (IWF) or a packet data serving node (PDSN).” These features are not taught or suggested by the Le and Altom patents, whether taken alone or in combination. It is therefore submitted that claim 7 and its dependent claims are allowable.

The Examiner rejected claim 28 under 35 USC § 103(a) for being obvious in view of a Le-Kweon combination. Applicants traverse this rejection on grounds that the Kweon patent fails to teach or suggest the features of base claim 27 missing from the Le patent. Accordingly, it is submitted that claim 28 is allowable.

The Examiner rejected claim 10, 11, 16 under 35 USC § 103(a) for being obvious in view of a Le-Altom-Kweon combination. Applicants traverse this rejection on grounds that Le, Altom, and Kweon fail to teach or suggest the features added by amended to base claim 7. It is therefore submitted that claims 10, 11, and 16 are allowable at least by virtue of their dependency from claim 7.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of the application is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with this application to Deposit Account No. 16-0607 and credit any excess fees to the same Deposit Account.

Respectfully submitted,  
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